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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,285	08/08/2001	Gerard Jay Bellasalma	60137-027	6035

26096 7590 02/13/2003

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EXAMINER

HEITBRINK, TIMOTHY W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 02/13/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,285

Applicant(s)

BELLASALMA ET AL

Examiner

Tim Heitbrink

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "fluid flow passage 32" (paragraph 24, line 3) and "end portion 42" (paragraph 26, line 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Proper antecedent basis is required for "said coupler head" (line 2).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-9, 12, 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nennecker.

Nennecker discloses a valve assembly comprising a port at the end of fluid flow passageway 36 to a mold assembly 22, a coupler having a piston 18, 21 said coupler receiving a mix head 11, said fluid flow passageway 36 located from said coupler to said port, said piston 18, 21 movable within said fluid flow passage along a first axis between a first position which allows flow from said coupler to said port and a second position which seals said port. Said fluid flow passage 36 includes a first flow passage

Art Unit: 1722

contains a port 25 along said first axis, a third flow passage below said port and along said first axis and a second flow passage substantially perpendicular to said first axis, wherein said second passage includes a first second passage portion within said coupler head and a second, second passage portion within the mix head. The second flow passage including a second piston 15 circular in cross section.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nennecker.

While the piston 18,21 is not square in cross-section, such a change in shape would have been in light of In re Dailey et al, 149 USPQ 47 where in change in shape not effecting the operation of the device is considered within the skill of the ordinary artisan.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10, 12,14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gumery et al.

Gumery et al. disclose a valve assembly comprising a port 7 to a mold assembly, a coupler 26 for receipt of a mix head 17, a fluid flow passage from said coupler to said port and a rectilinear piston 38 movable within said fluid flow passage along a first axis between a first position which allows flow from said coupler to said port and a second position which seals said port. The fluid flow passage includes a first flow passage along said first axis and a second flow passage substantially perpendicular to said first axis. The second passage includes a first second passage portion within said coupler head and a second, second passage portion within said mix head. A second piston 32 movable within said second flow passage. A third flow passage 23,24 communicating with said second flow passage in a perpendicular relationship and the second piston movable between a first position which allows flow from said third flow passage to said second flow passage and a second position which prevents fluid flow from said third flow passage to said second flow passage.

Claims 2 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Gumery et al.

While the piston 38 is not square in cross-section, such a change in shape would have been in light of *In re Dailey et al*, 149 USPQ 47 where in change in shape not effecting the operation of the device is considered within the skill of the ordinary artisan.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nennecker* as applied to claims 1-9, 12-20 above, and further in view of *Schneider*

While Nennecker does not disclose a lock assembly (interlocking surfaces) within the coupler to engage the mix head with the coupler, Schneider discloses a lock assembly within a coupler 10 so as to secure a mix head 20 therein.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lock assembly in the coupler of Nennecker in order to secure the mix head therein as suggested by Schneider.

Claims 11, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gumery et al. as applied to claims 1-10, 12-21 above, and further in view of Schneider.

While Gumery et al. does not disclose a lock assembly (interlocking surfaces) within the coupler to engage the mix head with the coupler, Schneider discloses a lock assembly within a coupler 10 so as to secure a mix head 20 therein.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lock assembly in the coupler of Gumery et al. in order to secure the mix head therein as suggested by Schneider.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 703-308-3789. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1722

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Tim Heitbrink
Primary Examiner
Art Unit 1722

2-6-03

tw
February 6, 2003